

REMARKS

A detailed listing is presented above, with appropriately defined status identifiers, for all claims that are or were in the application, irrespective of whether the claims remain under examination.

Upon entry of the current amendment, claims 1-12, 16 and 17 are pending in the application, with claims 1, 16 and 17 being the independent claims. Claim 2 is sought to be amended. Claims 14 and 15 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 13 was cancelled by previous amendment. Claims 4-12 are currently withdrawn as being directed to non-elected subject matter.

The claims listed above incorporate the amendment to claim 7 presented in Applicant's Amendment and Reply Under 37 C.F.R. § 1.111 filed on March 31, 2009. Thus, the current supplemental amendment presents only amendments that are in addition to those in Applicants' March 31st Amendment and Reply.

In the present amendment, claim 2 has been amended to clarify Applicants' invention and to put the claim into better form for allowance. Specifically, claim 2 has been amended to insert the phrase "acid addition" prior to "salts" in the preamble and to replace the phrase "form of an acid addition salt" in the last line of the claim with "acid addition salt form," to be consistent with language used in the remaining pending claims.

In addition, new claims 16 and 17 have been added, which are redrafted forms of cancelled claims 14 and 15, respectively. New claims 16 and 17 have been drafted to recite the structure of Formula I and definitions of its variable groups, and to be in independent form.

These changes are believed to introduce no new matter, and their entry is respectfully requested. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Summary of the Substance of the Interview

Applicants' undersigned representatives provide the following statement of the substance of the recent interview held with the Examiner and Primary Examiner Kamal Saeed to discuss the captioned application.

Applicants' undersigned representatives conducted an in-person interview with the Examiner and Mr. Saeed April 21, 2009, to discuss the application and the Office Action issued on October 31, 2008. During the interview, the Examiner agreed to withdraw the 112 written description rejection in the October 31 Office Action. In addition, the Examiner suggested amending claims 14 and 15 to import formula I into the claims, or make each claim dependent upon claim 1, which recited formula I.

In a subsequent telephone conversation held between Examiner Shterengarts and Applicants' undersigned representative, Ann Summerfield, on April 21, 2009, the Examiner suggested further amendments to claim 2 to put the claim into better form for allowance. In a subsequent telephone conversation on April 24, 2009, between the Examiner and Ms. Summerfield, the Examiner agreed to the present amendment to claim 2 proposed by Applicants, which adds the phrase "acid addition salts" to the preamble of claim 2.

Applicants wish to thank Examiner Shterengarts and Mr. Saeed again for the courteous and helpful interview held on April 21, 2009, and for the subsequent telephone conversations conducted by Examiner Shterengarts with Applicants' undersigned representative.

II. Comments on Amendments to the Claims

Claims 2, 14 and 15 have been amended in response to the interview and telephone conversations between Applicants' undersigned representative and the Examiner, as described above.

Specifically, claims 14 and 15 have been amended in the form of new claims 16 and 17 to incorporate the structure of formula I, as suggested by Examiner Shterengarts in the April 21, 2009 interview.

Claim 2 has also been amended to put this claim into better form for allowance by amending the preamble to recite "acid addition salts" rather than "salts." This amendment was agreed to by the Examiner in her April 24, 2009 telephone conversation with Ms. Summerfield.

Applicants have further amended claim 2 by replacing the phrase "form of an acid addition salt" in the last line of the claim with "acid addition salt form," so that the language

of claim 2 is consistent with language used in the remaining pending claims. This amendment does not narrow the scope of the claim.


CONCLUSION

Based on the foregoing amendments and remarks, Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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